

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TIMMIE L. HAYNES,

Petitioner,

DECISION AND ORDER

06-CV-6188L

v.

ACTING SUPERINTENDENT BRAT,

Respondent.

In this habeas corpus proceeding, pursuant to 28 U.S.C. § 2254, defendant challenges his denial of release by the state court pending appeal. United States Magistrate Judge Victor E. Bianchini considered the matter and issued a Report and Recommendation (Dkt. #19) on May 22, 2007 recommending that petitioner's application for bail be denied with prejudice.

I have reviewed the Report and Recommendation and the other filings and see no reason modify the Report and Recommendation of the Magistrate Judge. I, therefore, accept the Report and Recommendation and deny petitioner's application for release pending disposition of the federal habeas corpus petition.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
June 18, 2007.